

APR 13 2010

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INSIGHT BIOTEK INC.

TO: Alesia M. Brown, Petitions Attorney FROM: Diane Van Alstyne
Office of Petitions FAX #: (250) 493-3793
FAX#: (571) 273-8300 PHONE #: (250) 493-3793
DATE: April 13, 2010 # OF PAGES: 06 REF: /

Re: PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT UNDER 37 C.F.R. & 1.137(b)

CHANGE OF MAILING ADDRESS CORRECTION

Application No. 09/489,850
Atty. Dkt. No. 061916-0107-2

Your correspondence dated "Mailed March 1, 2010" was received March 22, 2010 with an INCORRECT address which has been entered into the record.

AGAIN, applicant's new address to which she is receiving mailed correspondence is:

Diane Van Alstyne
101 - 144 Brunswick Street
Penticton
British Columbia
CANADA V2A 5P7

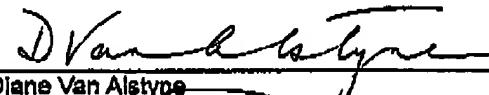
The INCORRECT address entered into the record is:

Diane Van Alstyne
101 - 144 Brunswick Street
Penticton
British Columbia, V2A 5P7 CA CANADA

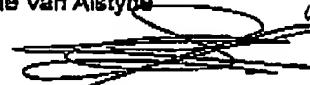
NOTE THAT THE LAST LINE ABOVE IS INCORRECT

Please enter the corrected address into the record so that future mail can be delivered in a timely manner.
Thank You.

Date

April 9, 2010
Diane Van Alstyne

Date

APRIL 13, 2010
Rajendra L. Sharma



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 13 2010

Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
www.uspto.gov

DIANE VAN ALSTYNE
 101-144 BRUNSWICK ST.
 PENTICTON
 BRITISH COLUMBIA V2A 5P7 CA CANADA
 CANADA V2A 5P7
 In re Application of
 Alstyne, et al.
 Application No. 09/489,850
 Filed: January 24, 2000
 For: 51916/107

MAILED

MAR 01 2010

OFFICE OF PETITIONS

DECISION ON PETITION

This decision is in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 12, 2009.

The petition is DISMISSED WITHOUT PREJUDICE.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The provisions of 37 CFR 1.33(b) state that "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant renewed petition is not signed in accordance with 37 CFR 1.33(b)(4) in that it is not signed by each inventor named in the application. Accordingly, the petition has not been reviewed on the merits.

Any renewed petition and accompanying documents must be properly executed in accordance with 37 CFR 1.33 prior to treatment on the merits.

Petitioners' request for change of correspondence address, which is properly signed by each inventor pursuant to 37 CFR 1.33(b)(4) has been entered into the record.

INCORRECT

An examination of this application reveals that petitioners may be unfamiliar with patent prosecution and petition procedures. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicants may wish to consider securing the services of a registered patent attorney

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or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster". Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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CENTRAL FAX CENTER
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Application No. 09/489,850
Atty. Dkt. No. 051916-0107-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Diane VAN ALSTYNE and
Lawrence R. SHARMA

Title: *PEPTIDES REPRESENTING
EPITOPE SITES FOR BACTERIAL
AND VIRAL MENINGITIS CAUSING
AGENTS AND THEIR CNS CARRIER,
ANTIBODIES THERETO, AND USES
THEREOF*

Appl. No.: 09/489,850

Filing Date: January 24, 2000

Examiner: Patricia A. DUFFY

Art Unit: 1645

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
(Express Mail Label Number)	(Date of Deposit)
_____ (Printed Name)	
_____ (Signature)	

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.137(b)**

Mail Stop PETITION
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Petition is in reply to the Notice of Abandonment mailed July 26, 2007, which was returned to the United States Patent & Trademark Office on August 13, 2007, as undeliverable. Applicant hereby petitions for withdrawal of the holding of abandonment, due to their failure to respond to subsequent PTO correspondence regarding the GRANTED petition to withdraw abandonment, which had been mailed to Applicant's incorrect address (465 Stony Point Rd., Suite 115, Santa Rosa, CA 95401). Applicant also includes the appropriate petition and extension fees and accompanies this Petition with the appropriate Change of Correspondence Address paperwork.

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Application No. 09/489,850
Atty. Dkt. No. 051916-0107-2

The entire delay in responding to that PTO correspondence was unintentional. The undersigned, who is the Applicant, is prosecuting the captioned application *pro se* and inadvertently failed to inform the Patent Office that the mailing address for her company, INSIGHT BIOTEK INC. had changed.

Applicant's new address to which she is receiving mailed correspondence is:

Diane Van Alstyne
101 - 144 Brunswick Street
Penticton
British Columbia
Canada V2A 5P7

At all times, Diane Van Alstyne, the Applicant, remains the point of contact with the Patent Office and continues to handle this case *pro se*. She had every intention to retain the pendency of this application, USSN 09/489,850, and did not intend for it to become abandoned again, as evidenced by the previously-granted Petition (the Office of Petitions had granted Applicant's petition dated March 2, 2006, under 37 C.F.R. 1.137(b); please see the Decision on Petition dated August 14, 2006).

For this reason, Applicant respectfully requests that the Commissioner grant Applicant's Petition for Withdrawal of Abandonment in the present application.

Respectfully submitted,

Date September 22, 08

By D. Van Alstyne

Date April 10/10

By D. Van Alstyne

Date APRIL 13, 2010

By Rajendra L. Sharma